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EXAMINER	
SMITH, CAROLYN L	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/772,723
Filing Date: January 29, 2001
Appellant(s): WEBB, PETER G.

Bret Field
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/20/05 appealing from the Office action mailed 10/3/05.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

The rejection of claims 1-14 and 45-52 under 35 USC 112, first paragraph, is withdrawn.

The rejection of claims 1-14 and 45-53 under 35 USC 112, second paragraph, is withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,942,609	HUNKAPILLER et al.	8-1999
6,215,894	ZELENY et al.	4-2001
5,807,522	BROWN et al.	9-1998
6,229,911	BALABAN et al.	5-2001
6,456,942	ANDERSON	9-2002
5,812,793	SHAKIB et al.	9-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims Rejected Under 35 USC § 112, first paragraph

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

LACK OF WRITTEN DESCRIPTION/NEW MATTER

Claim 54 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time of the invention was filed, had possession of the claimed invention.

Applicants point to support on page 18 (lines 5-7) for the limitation of claim 54 reciting "wherein each of said vessels is marked with a unique identifier that is not composition

information from that vessel". This section of page 18 does not mention anything about marking vessels or an identifier with no composition information. It is noted that negative limitations must have written support. Because there is a lack of written basis for the phrase "wherein each of said vessels is marked with a unique identifier that is not composition information from that vessel" as stated in claim 54, this amended limitation is considered to be NEW MATTER.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14 and 45-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunkapiller et al (P/N 5,942,609), in view of Zeleny et al. (P/N 6,215,894), Brown et al. (P/N 5,807,522), Anderson (P/N 6,456,942), Shakib et al. (P/N 5,812,793), and Balaban et al. (P/N 6,229,911).

It is noted that the instant specification on page 9, lines 13-17, refer to "unique" as follows: "Each array 12 has associated with it a unique identifier in the form of a bar code 356 described below. By 'unique' in this sense does not mean the identifier is absolutely unique, but it is sufficiently long so as unlikely to be confused with another identifier on another tray (and is preferably unique as to a particular fabrication station on a given communication channel."

Hunkapiller et al. describe creating arrays with addressable locations where multiple biopolymer samples can be fixed or mounted in fixed locations (col. 18, lines 11-21). Hunkapiller et al. describe liquid reagents being delivered from vessels to solid supports (col. 5, lines 10-12) which include addressable arrays (col. 9, lines 18-21), which represents obtaining and providing a plurality of individual vessels. Hunkapiller et al. describe placing vessels in cooling/heating zones, such as heating blocks, ovens, or chillers (col. 17, lines 63-66) which represents providing a plurality of vessels in a defined format, as stated in instant claims 1 and 8. Hunkapiller et al. describe assembly of a polynucleotide, including DNA, on a solid support (abstract and col. 6, lines 56-59). Hunkapiller et al. describe using solid supports having rigid or semi-rigid character as well as an array of physically separate regions on the support with wells (col. 8, line 64 to col. 9, line 7), which represents a format of a tray with multiple wells, as stated in instant claims 45 and 49. Hunkapiller et al. do not describe saving in a memory a map of the identity of the vessels corresponding to substrate regions where the biopolymers are deposited, applying the map identifier to the substrate or housing carrying the substrate, or shipping the fabricated array with applied map identifier to a remote location. Hunkapiller et al. do not teach the method of generating the array at a central fabrication station and making associated map identifiers that are communicated to remote stations and from the central fabrication station. Hunkapiller et al. also do not teach the communication of the information (via networks i.e., LAN (Local Area Network), WAN (Wide Area Network), e-mail, etc.) or computer readable storage media.

Zeleny et al. describe an identifier corresponding to each experiment imprinted on the biochip (col. 2, lines 13-14) which represents a portable storage medium. Zeleny et al. describe

the identifier is machine-readable which is imprinted on the chip prior to deposition of the array experiment (col. 2, lines 18-20). Zeleny et al. describe a file is opened on a computer system where the operator may enter various parameters of the experimental array including a map of the reagents deposited in the array (col. 2, lines 20-25) which represents a format map of the individual identity of substances with regions on an array which would inherently be in correspondence with the vessels containing the identified substances, as stated in instant claim 53. Zeleny et al. describe a computer-stored record corresponding to each identifier (abstract) which is reasonably interpreted as a database. Figure 1 shows multiple wells of an array that are arranged in rows and columns, as stated in instant claims 46 and 50. Figure 1 shows numerical identifiers in which some of the digits identify experimental parameters, source of the array, and the array itself (tray number) (col. 3, lines 8-18), as stated in instant claims 47 and 51. Figure 2 further explains Figure 1 in greater detail with individually identified control spots (22) and array experiment spots (20) which represent identity of specific column and row numbers as well as unique format identifiers for each member wherein member is interpreted to be the substance, as stated in instant claims 1, 8, 47 and 51.

Brown et al. describe mass fabrication of microarrays (col. 2, lines 20-25) and shipment of DNA reagents via microarrays to researchers (col. 14, lines 36-42).

Balaban et al. teach that portable storage media may be used to carry information between computers (col. 6, lines 16-18).

Anderson describes a server that designs a set of probes to capture target sequences requested by a user, a synthesizer (fabrication station) that builds the probes on the surface of an array, and a chip that is shipped to a user (col. 2, lines 57-62). Anderson describes methods for

interfacing computer technology via a network in a remote manner with biological and chemical processing and synthesis equipment (col. 1, lines 37-54). Anderson describes controlling and/or monitoring equipment for synthesizing or processing biological or chemical materials from a remote location (col. 2, lines 1-4). Anderson describes a remote location is linked via the Internet to an internal server or intranet (col. 2, lines 53-57). Anderson describes a display of the information about the chip in Figure 4 (col. 3, second paragraph). The figure on the front page of the Anderson patent displays arrows in a cyclical manner (continuous) which represents that this process may occur multiple times with the "array synthesis equipment" representing a central fabrication station.

Shakib et al. teach an asynchronous store and forward data replication system and the method utilizing existing computer networks and/or network control software as a transport agent to deliver the communication messages (abstract). Shakib et al. teach a system and method which can generate information from a remote station (i.e., creation of new data, modification of existing data, or deletion of existing data) (col. 3, lines 20-28), and communicate to another remote station over foreign networks such as the Internet or other Wide Area Network (WAN) (col. 5, lines 28-32). Shakib et al. teach the assignment of all data sets and individual objects which make up the data sets with unique IDs, allowing them to be tracked throughout the network (col. 4, lines 39-46) and ID values (col. 8, line 23) which represents the individual identity of individual objects via identifiers relative to a reference mark as well as unique IDs for the vessels (individual objects) that are not composition information, as stated in instant claims 1, 8, 48, 52, and 54. Furthermore, Shakib et al. teach the access of privileged information via use of IDs of the data set (col. 4, lines 50-57). Shakib et al. teach data sets with identifiers and

having a copy of data set objects as well as data set properties (or containers) associated with the copies of the data set objects (col. 4, lines 50-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add automated techniques, beginning with the automated delivery of liquid reagents from vessels to the array, as stated by Hunkapiller et al. (col. 5, lines 7-11), using barcode identifiers and mapping reagent location as stated by Zeleny et al. where the motivation would have been to avoid unnecessary errors and speed efficiency, as stated by Zeleny et al. (col. 2, lines 4-10) who teach that analysis of raw data from a biochip array collected by a scanner was previously performed manually which involved significant operator time as well as errors in the scanning and analysis procedure (col. 2, lines 4-10).

It would have been further obvious to the person of ordinary skill in the art to mass fabricate and ship the completed microarrays, as stated by Brown et al., in the microarray methods of Hunkapiller et al. and Zeleny et al. where the motivation would have been for researchers to perform numerous genetic applications including genome mapping and medical diagnosis, as stated by Brown et al. (col. 14, lines 36-42 and 61-65).

It would have been further obvious to the person of ordinary skill in the art to enable the identifier imprinted on the microarray in the methods of Zeleny et al., Hunkapiller et al., and Brown et al. to carry information between computers as stated by Balaban et al. (col. 6, lines 16-18) where the motivation would have been to organize information relating to the arrays that include large number of samples to discover oncogenes and tumor suppressor genes and to facilitate later analysis, as stated by Balaban et al. (abstract and col. 2, third paragraph).

It would have been further obvious to the person of ordinary skill in the art to produce and ship the microarrays in the methods of Hunkapiller et al., Zeleny et al., Brown et al., and Balaban et al., from a remote central fabrication station, as stated by Anderson et al., where the motivation would have been to effectively allow the artisan to process, control, and monitor materials using appropriate equipment in a remote location to more rapidly synthesize and evaluate larger amounts of information from biological systems, as stated by Balaban et al. (col. 1, third paragraph and col. 2, first paragraph).

It would have been further obvious to the person of ordinary skill in the art to add internet communications and incorporate the unique IDs of Shakib et al. with the array identifiers in the methods of Zeleny et al., Hunkapiller et al., Brown et al., Balaban et al., and Anderson et al. where the motivation would have been to communicate the tracking of the data via a network from remote locations, as stated by Shakib et al. (col. 3, lines 20-28; col. 5, lines 28-32; col. 4, lines 39-46; and col. 8, line 23) in order to better use the wealth of information resources available today via easier accessing, organizing, and exchanging information (col. 1, second and third paragraphs).

The person of ordinary skill in the art would have expected success of combining the microarrays of Hunkapiller et al. and Zeleny et al. with the imprinting an identifier step by Zeleny et al. so that the array would now be identifiable via computer by machine readable code (Zeleny et al., col. 2, third paragraph).

The person of ordinary skill in the art would have expected success of mass fabricating and shipping arrays, as stated by Brown et al. with the microarrays of Hunkapiller et al. and

Zeleny et al., because various companies are known to make arrays, such as Pall Corporation and Hyseq Corporation, as stated by Brown et al. (col. 2, line 66 and col. 3, line 13).

The person of ordinary skill in the art would have expected success of enabling the identifier imprinted on the microarray of Zeleny et al. to carry information between computers as stated by Balaban et al. (col. 6, lines 16-18) because this system and method would provide suitable storing and organizing large quantities of information used in conjunction with arrays, especially when serving multiple clients, as stated by Balaban et al. (col. 2, third paragraph).

The person of ordinary skill in the art would have expected success of producing and shipping the microarrays of Hunkapiller et al., Zeleny et al., Brown et al., and Balaban et al., from a remote central fabrication station as stated by Anderson et al. because Zeleny et al. describe an automated process of imaging and analyzing microarrays via computers (title and abstract) and Anderson et al. note the emergence of interfacing computer technology with biological and chemical processing and synthesis with computers interfacing with equipment in a remote manner (col. 1, fourth paragraph).

The person of ordinary skill in the art would have expected success in incorporating the unique IDs of Shakib et al. with the array identifiers of Zeleny et al. in order to communicate the tracking of the data via a network from remote locations, as stated by Shakib et al. (col. 3, lines 20-28; col. 5, lines 28-32; col. 4, lines 39-46; and col. 8, line 23), because increased accessibility and sharing of information between multiple users is now more common than ever, including keeping track of data transferred from one server to one or more servers to prevent loss of information or quickly and efficiently recovering lost or missing data, as stated by Shakib et al. (col. 1, fourth paragraph).

Thus, claims 1-14 and 45-54 are made obvious by the cited references.

(10) Response to Arguments

35 USC 112, 1st paragraph rejection

Claim 54

Appellant reiterates the NEW MATTER rejection for claim 54. Appellant states the Examiner believes the identifier of the present invention encompasses the composition information from that vessel. This statement is acknowledged. Appellant argues that the unique identifier of the present invention is an identifying mark which enables one to identify the original source vessel of a biopolymer deposited on the surface of an array. It is noted that a composition in a vessel can provide such identification. Appellant argues that one of skill in the art from reading the specification would fully realize that the unique identifier is not compositional information but an identifier associated with an original source vessel. This statement is found unpersuasive as there is no support in the originally filed disclosure that the unique identifier is not compositional information. It is noted that negative limitations must have written support. Appellant provides examples of identifiers found in the specification (i.e. Table 1 and "such as" terminology found in the specification). While these are examples of identifiers, they fail to provide written support that the unique identifier cannot be compositional information.

35 USC 103 rejection

Appellant summarizes MPEP 2142. Appellant argues that the prima facie case of obviousness set forth in the 35 USC 103 rejection is deficient because the combined teachings of the cited prior art fail to teach or suggest all the claim limitations of the rejected claims. This statement is found unpersuasive as discussed in the 35 USC 103 rejection as well as the discussion below.

Claims 1-3 and 8-10

Appellant summarizes claims 1 and 8. Appellant argues that there is no teaching or suggestion of the element of the claims that requires one to assign each member of a plurality of source vessels a unique format identifier and then save in a memory map of the unique format identifiers assigned to each original source vessel. This statement is found unpersuasive for the following reasons. While the claims may be interpreted in such a manner, it is noted that they can be interpreted with a broader meaning of unique format identifier and that "each member" is not necessarily referring to source vessels. It is also noted that the composition within the vessels represent an identifier for the vessels themselves (see Zeleny et al. section of 35 USC 103 rejection). Appellant argues that the format identifier physically identifies the original source vessel relative to other vessels in the original plurality. This statement is found unpersuasive as Appellant is adding limitations such as "physically" and "original" which are not found in the instant claims. Also, it is noted that identification of the composition of a vessel reasonably represents the identification of a vessel. For example, a jar containing peanut butter inside can be reasonably identified as peanut butter. Appellant summarizes part of his invention. Appellant

summarizes the 35 USC 103 rejection. Appellant again argues that the cited references do not teach or suggest the elements of assigning each member of a plurality of source vessels a unique format identifier and then save in a memory map of the unique format identifiers assigned to each original source vessel. This statement is again found unpersuasive as unique format identifiers are taught by Zeleny et al. and Shakib et al. Appellant summarizes part of the Zeleny et al. portion of the 35 USC 103 rejection. Appellant argues that the individually identified control spots (22) and array experiment spots (20) of Zeleny et al. do not represent a format identifier because they do not physically identify the original source vessel relative to other vessels in the original plurality. This statement is again found unpersuasive as Appellant is adding limitations such as "physically" and "original" which are not found in the instant claims. Again, it is noted that identification of the composition of a vessel reasonably represents the identification of a vessel. Appellant argues that the claimed identity map is a collection of unique format identifiers assigned to each vessel. It is noted that Zeleny et al. describe an identifier on the array (biochip) (col. 2, lines 13-14) and a file is opened on a computer system where the operator may enter various parameters of the experimental array including a map of the reagents in the array (col. 2, lines 20-25) which represents a format map of the individual identity of substances with regions on an array which would inherently be in correspondence with the vessels containing the identified substances. Appellant argues that the claimed identity map allows one to provide biopolymers in a plurality of vessels, deposit the biopolymers in a different spatial layout and still be able to identify the particular source vessel for each biopolymer on the array which is not possible with Zeleny et al.'s teaching. This statement is found unpersuasive as there is no sound reasoning as to why the individual reagents of the

Zeleny et al. reference could not be rearranged on the array and still represent identification of the vessels from which they came. In a generic example, if you decide to place peanut butter from a jar in a different location, you are still going to be able to identify the peanut butter in its new location and will be able to distinguish both the peanut butter and its jar from jelly and the jar from which the jelly was taken. Appellant's arguments are deemed unpersuasive for the reasons given above.

Claims 4-7 and 11-14

Appellant again argues that the cited references do not teach or suggest the elements of assigning each member of a plurality of source vessels a unique format identifier and saving in a memory map of the unique format identifiers assigned to each original source vessel. This statement is again found unpersuasive as unique format identifiers are addressed by Zeleny et al. and Shakib et al. (see discussion above). Appellant summarize instant claims 4-7 and 11-14. Appellant argues that the cited references fail to teach or suggest saving in a memory a map of the unique format identifiers assigned to each original source vessel. This statement is found unpersuasive as Zeleny et al. describe an identifier on the array (biochip) (col. 2, lines 13-14) and a file is opened on a computer system where the operator may enter various parameters of the experimental array including a map of the reagents in the array (col. 2, lines 20-25) which represents a format map of the individual identity of substances with regions on an array which would inherently be in correspondence with the vessels containing the identified substances. Appellant argues that the cited references fail to teach or suggest saving the identity map in a memory and communicating the identity map to a remote location. This statement is found

unpersuasive as Zeleny et al. describe an identifier (portable storage medium) on the biochip (array) (col. 2, lines 13-14) and a file (memory) is opened on a computer system where the operator may enter various parameters of the experimental array including a map of the reagents in the array (col. 2, lines 20-25) which represents a format map of the individual identity of substances with regions on an array which would inherently be in correspondence with the vessels containing the identified substances. In addition, Balaban et al. describe that portable storage media may be used to carry information between computers (col. 6, lines 16-18). In addition, Anderson et al. describe displaying information about the chip in Figure 4 (col. 3, second paragraph) and remote communication (for example, col. 1, lines 37-54). In addition, Shakib et al. describe remote communication (col. 5, lines 28-32) as well as tracking data with unique IDs (col. 4, lines 39-46 and col. 8, line 23). Appellant's arguments are deemed unpersuasive for the reasons given above.

Claims 45 and 49

Appellant summarize instant claims 45 and 49. Appellant argues that the cited references do not teach or suggest a method wherein the plurality of individual identified vessels is in a format of a tray with multiple wells. This statement is found unpersuasive as Hunkapiller et al. describe using solid supports having rigid or semi-rigid character as well as an array of physically separated regions on the support with wells (col. 8, line 64 to col. 9, line 7) which represents a format of a tray with multiple wells. Furthermore, Figures 1 and 2 of Zeleny et al. show arrays with unique format identifiers. Appellant has failed to set forth arguments as to why this interpretation of the claims 45 and 49 would be considered improper. Appellant again

argues the limitation in instant claims 1 and 8 regarding each member of a plurality of source vessels is assigned a unique format identifier. This statement was already found unpersuasive (see arguments under claims 1 and 8, discussed above). Appellant's arguments are deemed unpersuasive for the reasons given above.

Claims 46 and 50

Appellant summarizes instant claims 46 and 50. Appellant argues that the cited references fail to teach or suggest a method wherein the multiple wells are arranged in trays in rows and columns. This statement is found unpersuasive as Figures 1 and 2 of Zeleny et al. clearly show multiple wells arranged in trays in rows and columns. Appellant has failed to set forth arguments as to why this interpretation of the claims 46 and 50 would be considered improper. Appellant's arguments are deemed unpersuasive for the reasons given above.

Claims 47 and 51

Appellant summarizes instant claims 47 and 51. Appellant argues that the cited references fail to teach or suggest a method wherein the individual identity of each vessel is an identifier in the format of: tray number, column number, and row number. Figures 1 and 2 show identity of tray, column and row numbers. Appellant has failed to set forth arguments as to why this interpretation of the claims 47 and 51 would be considered improper. Appellant's arguments are deemed unpersuasive for the reasons given above.

Claims 48 and 52

Appellant summarizes instant claims 48 and 52. Appellant argues that the cited references fail to teach or suggest a method wherein the individual identity of each vessel is an identifier assigned to each vessel relative to a reference mark. Shakib et al. describe the assignment of all data sets and individual objects which make up the data sets with unique IDs, allowing them to be tracked throughout the network (col. 4, lines 39-46) and ID values (col. 8, line 23) which represents the individual identity of individual objects via identifiers relative to a reference mark. Appellant has failed to set forth arguments as to why this interpretation of the claims 48 and 52 would be considered improper. Appellant's arguments are deemed unpersuasive for the reasons given above.

Claim 53

Appellant summarizes instant claim 53. Appellant again argues that the cited references do not teach or suggest the elements of assigning each member of a plurality of source vessels a unique format identifier and saving in a memory map of the unique format identifiers assigned to each original source vessel. This statement is again found unpersuasive as unique format identifiers are addressed by Zeleny et al. and Shakib et al. (see discussion above). Appellant has failed to set forth arguments as to why this interpretation of the claim 53 would be considered improper. Appellant further argues that instant claim 53 is further distinguishable over the cited references for additionally comprising receiving said array and map identifier and using said map identifier to identify vessels corresponding to regions of the array. This statement is found

unpersuasive as Brown et al. describe shipping microarrays to researchers (col. 14, lines 36-42) and Zeleny et al. describe imprinting an identifier on each biochip (col. 2, lines 13-14). Zeleny et al. also describe that a file is opened on a computer system where the operator may enter various parameters of the experimental array including a map of the reagents in the array (col. 2, lines 20-25) which represents a format map of the individual identity of substances with regions on an array which would inherently be in correspondence with the vessels containing the identified substances. Appellant has failed to set forth arguments as to why this interpretation of the claim 53 would be considered improper. Appellant's arguments are deemed unpersuasive for the reasons given above.

Claim 54

Appellant summarizes instant claim 54. Appellant argues that instant claim 54 contains certain limitations similar to instant claims 1 and 8 which are not found in the cited references. Appellant again argues that the cited references do not teach or suggest the elements of assigning each member of a plurality of source vessels a unique format identifier and saving in a memory map of the unique format identifiers assigned to each original source vessel. This statement is again found unpersuasive as unique format identifiers are addressed by Zeleny et al. and Shakib et al. (see discussion above). Appellant has failed to set forth arguments as to why this interpretation of the claim 54 would be considered improper. Appellant argues that instant claim 54 is further distinguished for specifying that each of the individual identified vessels is marked with a unique identifier that is not composition information from that vessel. This statement is found unpersuasive because Shakib et al. describe the assignment of all data sets and individual

objects which make up the data sets with unique IDs, allowing them to be tracked throughout the network (col. 4, lines 39-46) and ID values (col. 8, line 23) which represents identifiers that is not composition information from that vessel (individual object). Appellant again argues that the format identifier physically identifies the original source vessel relative to other vessels in the original plurality. This statement is found unpersuasive as Appellant is adding limitations such as "physically" and "original" which are not found in the instant claims. Also, it is noted that identification of the composition of a vessel reasonably represents the identification of a vessel. For example, a jar containing peanut butter inside can be reasonably identified as peanut butter. Appellant again explains the claimed identity map. Appellant argues that the specification repeatedly describes the unique identifier as specifically marking an individual vessel from a plurality of vessels provided and that the claims must be read in light of the specification. While the claims must be read in light of the specification, passages of the specification cannot be read into the instant claims. Appellant argues that the disclosure makes no mention of a unique identifier that identifies the biopolymer instead of the vessel. This statement is found unpersuasive as the originally filed disclosure fails to set forth a clear and concise definition of "unique identifier", therefore this term is interpreted broadly and reasonably. Appellant sets forth arguments regarding the processor at the user station, including "such as" terminology. This statement is found unpersuasive because the passage of the specification cannot be read into the limitations of the claims, and the "such as" terminology is merely an exemplification. Appellant argues that the unique format identifier cannot be given the broader meaning to include the biopolymer. This statement is found unpersuasive as there is no clear and concise

definition of "unique format identifier" that would exclude a biopolymer in its interpretation. Appellant's arguments are deemed unpersuasive for the reasons given above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR §1.6(d)). The Central Fax Center number for official correspondence is (571) 273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Smith, whose telephone number is (571) 272-0721. The examiner can normally be reached Monday through Thursday from 8 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, can be reached on (571) 272-0718.

Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instruments Examiner Tina Plunkett whose telephone number is (571) 272-0549.

Respectfully submitted,

February 21, 2006

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